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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,143	07/10/2001	Robert W. Nevins JR.	ERT-021	9661

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/903,143	Applicant(s) NEVINS, ROBERT W.	
	Examiner Dominic D. Saltarelli	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 17-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because on line 2, the phrase "is provided" should be removed and the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (5,594,509) [Florin] in view of Lawler et al. (5,585,838) [Lawler].

Regarding claims 17, 33, 51, and 52, Florin discloses an on screen directory including a plurality of preview areas (figs. 33-35).

Florin fails to disclose each preview area includes a predetermined segment from a program and a plurality of corresponding textual descriptions.

In an analogous art, Lawler teaches an on screen directory that includes a preview area which displays a predetermined segment from a program and includes a textual description for each preview (col. 10, lines 28-56), providing the benefit of informative previews of yet unavailable programs.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Florin to include displaying predetermined segments from a program (plural previews, one for each peripheral window) and including corresponding textual descriptions, as taught by Lawler, for the benefit of providing informative previews of yet unavailable programs.

Regarding claims 18, 34, 49, and 53, Florin and Lawler disclose the on screen directory of claims 17 and 51, wherein the predetermined program segment shows one of drama and action (program previews, by including the content of the program, include the drama and the action found within programs).

Regarding claims 19, 22, 35, and 54, Florin and Lawler disclose the on screen directory of claims 17, 33, and 51, wherein the plurality of preview areas are simultaneously (and individually) active (Florin, col. 20, lines 34-65).

Regarding claims 20 and 23, Florin and Lawler disclose the on screen directory of claims 19 and 22, wherein the plurality of preview areas include means to facilitate selection of the program [activation of a preview] (Florin, col. 21, lines 16-33).

Regarding claims 21 and 24, Florin and Lawler disclose the on screen directory of claims 20 and 23, further includes means to activate another directory (Florin, col. 20 line 66 – col. 21 line 15).

Regarding claims 25 and 41, Florin discloses an on screen directory including a plurality of preview areas and a selected program area (wherein the selected program is in the center of the screen, figs. 33-35).

Florin fails to disclose each preview area includes a predetermined segment from a program.

In an analogous art, Lawler teaches an on screen directory that includes a preview area which displays a predetermined segment from a program (col. 10, lines 28-56), providing the benefit of informative previews of yet unavailable programs.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Florin to include displaying predetermined

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segments from a program, as taught by Lawler, for the benefit of providing informative previews of yet unavailable programs.

Regarding claims 26, 29, and 42, Florin and Lawler disclose the on screen directory of claim 25, wherein the plurality of preview areas are simultaneously (and individually) active (Florin, col. 20, lines 34-65).

Regarding claim 27 and 30, Florin and Lawler disclose the on screen directory of claims 26 and 29, wherein the plurality of preview areas include means to facilitate selection of the program [activation of a preview] (Florin, col. 21, lines 16-33).

Regarding claims 28 and 31, Florin and Lawler disclose the on screen directory of claims 27 and 30, further includes means to activate another directory (Florin, col. 20 line 66 – col. 21 line 15).

Regarding claims 32, 48, 59, and 60, Florin and Lawler disclose the on screen directory of claims 25, 41, and 51, wherein the selected preview area is larger than each of the plurality of preview areas (Florin, figs. 33-35, wherein the selected area is the larger, centered window).

Regarding claims 36, 37, 43, 44, 55 and 56, Florin and Lawler disclose the on screen directory of claims 35, 42, and 51, but fail to disclose include a guide that indicates how to select a program and activate another directory.

Examiner takes official notice that it is notoriously well known in the art to provide help guides within user interface that provide users with assistance in how to use the different features available from a user interface. These provide users with ready assistance in use of complex or unfamiliar user interfaces.

It would have been obvious at the time to a person of ordinary skill in the art to modify the on screen directory disclosed by Florin and Lawler to include a guide that indicates how to select a program and activate another directory, as such 'help guides' are commonly included with user interfaces and provide ready assistance to users in utilizing the features of said user interface.

Regarding claims 38, 45, and 57, Florin and Lawler disclose the on screen directory of claims 33, 41, and 51, wherein each preview is selectively active (Florin teaches each window is selectively activated for display in the central window by a user, col. 21, lines 16-32).

Regarding claims 39, 40, 46, and 47, Florin and Lawler disclose the on screen directory of claims 38 and 45, but fail to disclose include a first guide for each preview that indicates how to activate a preview and a second guide for

each preview indicating how to select the program, and another guide indicating how to activate another directory.

Examiner takes official notice that it is notoriously well known in the art to provide help guides within user interface that provide users with assistance in how to use the different features available from a user interface. These provide users with ready assistance in use of complex or unfamiliar user interfaces.

It would have been obvious at the time to a person of ordinary skill in the art to modify the on screen directory disclosed by Florin and Lawler to include a first guide for each preview that indicates how to activate a preview and a second guide for each preview indicating how to select the program, and another guide indicating how to activate another directory, as such 'help guides' are commonly included with user interfaces and provide ready assistance to users in utilizing the features of said user interface.

Regarding claims 50 and 61, Florin and Lawler disclose the on screen directory of claims 49 and 51, wherein the programs include an immersive feature (it is the nature of audiovisual programming to be 'immersive', in the sense that they fully occupy the attention of the viewer).

Regarding claim 58, Florin and Lawler disclose the method of claim 51, further including providing a first guide for activating an on screen preview (Florin, fig. 33) using a view input device (Florin, remote control device 60, col.

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20, lines 34-65, shown in figs. 4a-b and 5a-b) and providing a second guide for selecting the program using the viewer input device (Florin, fig. 41).

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
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DS



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